

CHAPTER 14.29

USE OF STREETS FOR PRIVATE CONSTRUCTION PURPOSES

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14.29.010 Application for the Use of Public Space for Private Construction Purposes; Bond and Insurance Requirements.

Any application for the use of public space as authorized in Sections 14.29.020 and 14.29.030, except the parking space to be occupied in a parking meter area by hooding of the parking meter, shall be accompanied with a bond approved as to form by the City Attorney, executed by a bonding company or surety company authorized to do business in the State of Nebraska, in the sum of \$5,000 conditioned that the person to whom such a permit shall be issued, and such person's heirs, successors or assigns, shall strictly comply with all applicable regulations and all conditions of the permit and which shall save and keep the city free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public space requested, and for the full and complete protection of the city against any and all litigation growing out of the granting of such permit or anything done under such permit. In lieu of the foregoing bond the application may be accompanied with a certified check payable to the City of Lincoln, Nebraska in the sum of \$5,000 upon the same conditions and for the same protections as the bond required herein. In the event the application is accompanied with the certified check, the applicant hereby agrees and authorizes the city to use said money to save and keep the city free and harmless from any and all loss or damages or claims for damages arising from or out of use of the public space requested and for the full and complete protection of the city against any and all litigation growing out of the granting of such permit or anything done under such permit. The applicant shall be required to:

(a) At all times maintain public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the City Attorney, with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence. The coverages required herein shall be subject to review and approval by the City Attorney for conformance with the provisions of this section;

(b) At all times keep on file with the City Clerk a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska and approved by the City Attorney for conformance with the provisions of this section evidencing the existence of valid and effective policies of insurance naming the city as an additional insured for the coverage required by subsection (a) of this section, the limits of each policy, the policy number, the name of the insurer, the

effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring thirty day's notice by mail to the City Clerk before the insurer may cancel the policy for any reason, and upon request of the City Clerk or the City Attorney, a copy of any endorsements placed on such policies or the declarations page of such policies. Any termination or lapse of such insurance shall automatically revoke any permit issued pursuant to this chapter. (Ord. 15654 §3; July 9, 1990: prior Ord. 14823 §1; January 18, 1988: Ord. 13093 §2; January 9, 1981).

14.29.020 Storage in Streets During Private Construction.

Any person engaged in the erection, construction, reconstruction, wrecking or repairing of any building, or the construction or repair of any sidewalk along any street, may occupy the public space, whether street, sidewalk space, or alley, in the manner hereinafter provided. Such person shall make an application to the building official. Such application shall include a drawing showing the dimensions of the proposed walkway locations and street use area to be occupied. The application will be submitted to the Sidewalk Inspector for his review and recommendation. Upon receipt of such recommendations, the Building Official may grant the applicant a permit to occupy public space for such period of time and for such portion of the public space as is in the best interests of the city, provided that the public space must be adjacent to the real estate on which the building is to be erected, constructed, reconstructed, wrecked or repaired, or along which a sidewalk is to be constructed or repaired. On streets occupied by railway tracks, the space to be occupied shall not extend nearer to the outer rails of railway tracks than fifteen feet. The city may require the permittee to provide (a) an eight-foot wide protected or covered walkway in the area bounded by the west line of 9th Street, the east line of 16th Street, the south line of "K" Street, and the north line of "Q" Street; and (b) a six-foot wide protected or covered walkway in other congested business districts. Covered walkways shall have an inside clear height of seven feet. When a protected or covered walkway is required, it shall be lighted in a manner prescribed by the Building Official as adopted in the Lincoln Electrical Code. Any fence or walkway erected in the street shall be free standing unless otherwise authorized in writing by the building official or his authorized representatives. All fences, buildings and materials erected in the public space included in the permit shall be safely guarded by approved lights which shall be kept lit from sunset until sunrise. The space herein occupied shall be used only for the purpose of erection, construction, reconstruction, wrecking or repair of such building. Upon issuance of the permit, the Building Official and the permittee shall inspect the public space to be occupied to determine the existing condition of the street and sidewalk. A final inspection will be made by the Building Official upon expiration of the permit to determine if the street or sidewalk incurred any damages during the construction. The permittee shall be responsible to correct or pay for such damages. If the work can be completed by a sidewalk permit only, the work shall be classified as a public improvement and not be subject to the requirements of this section.

The applicant for a permit as hereinbefore provided shall pay to the Building Official a fee as follows: Five cents a square foot for each month, or prorated for each fraction thereof; provided that the minimum fee will be fifteen dollars for any one permit.

If the permit is granted for a location within an area where parking meters are installed, a fee of three dollars per day excluding Sundays and specific holidays for each meter required to be hooded shall be paid to the Building Official by the applicant. Upon approval by the Director of Public Works and Utilities, a meter head may be removed for the period of the time required by the permit and subsequently

reinstalled by the Director of Public Works and Utilities for a fee of ten dollars, in which case the space utilized shall be subject to a square foot cost in lieu of the cost of hooding the meter and the per day cost for that portion of the area served by the parking meter. (Ord. 16951 §96; March 11, 1996: prior Ord. 14914 §1; June 20, 1988: Ord. 13093 §3; January 9, 1981).

14.29.030 Parking in Streets During Private Construction.

Any person engaged in the erection, construction, reconstruction, wrecking or repairing of any building, or the construction or repair of any sidewalk along any street desiring use of the public space for the parking of commercially licensed service or delivery cars or trucks, or commercially licensed cars or trucks used by mechanics of the building trade used for the delivery of merchandise, materials, equipment, fixtures, or tools in connection with the construction, reconstruction, wrecking, or repair of such building, or in connection with the construction or repair of such sidewalk, shall make application to the Building Official for the use of the public space for parking said commercially licensed vehicles. The parking of all other vehicles in the public space is prohibited. Before such a permit is issued, it shall be approved by the Director of Public Works and Utilities, and the applicant shall pay to the Building Official the sum of three dollars per day excluding Sundays and the specific holidays listed in Section 10.34.030 of the Lincoln Municipal Code for each parking space to be occupied; and in addition, if in a parking meter area, a deposit in a sum to be determined by the Building Official based upon replacement costs shall be paid for the parking meter hood, which hood shall be furnished by the Building Official. Upon the expiration of the time for which the permit was granted, the meter hood shall be picked up by the Building Official, and the applicant may be refunded the deposit if the hood is in good condition. The deposit on all meter hoods damaged or stolen while issued to the applicant shall be forfeited and the Building Official shall utilize the deposit forfeited to purchase new meter hoods. No permit will be issued to allow vehicles on the sidewalk weighing in excess of 4,500 pounds. (Ord. 16951 §97; March 11, 1996: prior Ord. 15654 §4; July 9, 1991: Ord. 14914 §2; June 20, 1988: Ord. 13093 §4; January 9, 1981).

14.29.040 Storage and Protection of Material in Streets.

The person using the public space for purposes herein stated shall keep material confined to as small space as possible, shall keep the same protected at night with lights approved by the Director of Public Works and Utilities, shall keep immediate surroundings neat and clean, and shall fully comply with the ordinances of the city regarding the keeping open of sidewalks and gutters. (Ord. 16951 §98; March 11, 1996: prior Ord. 13093 §5; January 9, 1981).

14.29.050 Fees Deposited.

All fees collected under the provisions of this chapter by the Building Official shall be deposited with the City Treasurer. (Ord. 13093 §6; January 9, 1981).

14.29.060 Permit Revocation.

The Building Official may revoke any permit granted under this chapter upon a willful violation of the terms thereof upon written notice of such termination to the holder of the permit.

In addition, any person violating any of the provisions of this chapter, or who shall fail, neglect, or refuse to perform any duty imposed upon such person under the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50.00,

but not to exceed \$500.00, recoverable with costs. Each day's failure to comply with the provisions of this chapter shall constitute a separate offense. (Ord. 15654 §5; July 9, 1990: prior Ord. 14914 §3; June 20, 1988: Ord. 13093 §7; January 9, 1981).